

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:)

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations,
(Hemphill, Texas))

RM - _____

To: Chief, Allocations Branch
Policy & Rules Division, Mass Media Bureau

PETITION FOR RULE MAKING

Phillip Burr ("Burr"), by Counsel, and pursuant to §1.401 of the Commission's Rules, hereby respectfully petitions the Commission to institute Rule Making proceedings for amendment of the FM Table of Allocations to add Channel 280A (103.9 MHz) to Hemphill, Texas, as its first aural FM facility, as follows:

| <u>City / State</u> | <u>Existing</u> | <u>Proposed</u> |
|---------------------|-----------------|-----------------|
| Hemphill, Texas | --- | 280A |

In support hereof, the following is shown:

Background

1. Burr is the Licensee of Radio Station KAWS-AM, Hemphill, Texas.¹ Burr is a dedicated radio broadcaster and works closely with the local

¹ KAWS-AM operates on 1240 kHz, with one kilowatt day and night, nondirectional.

citizenry to provide community responsive programming. However, due to the technical limitations of AM radio, Burr is not able to provide the maximum quality radio service that the residents of Hemphill deserve. Accordingly, Burr seeks the allotment of an FM channel in Hemphill, Texas. As indicated below, if these efforts are successful, Burr will file an application to provide such FM radio service to Hemphill so that he may better service the local community.

Technical Criteria

2. Attached hereto as Exhibit A is an Engineering Statement prepared by JF&A Communications Consultants wherein it is stated that Channel 280A may be allotted to the community of Hemphill, Texas in compliance with Section 73.207 of the Commission's Rules regarding current spacing requirements. According to the Engineering Statement, Channel 280A may be allotted to Hemphill at site reference coordinates North Latitude 31 - 22 - 03 and West Longitude 93 - 50 - 10. From this location, the 3.16 mV/m city-grade contour will encompass the entire city limits of Hemphill.

Community Status

3. **Incorporated Town & Local Government:** Hemphill is an incorporated community within Sabine County, Texas, and has defined boundaries. According to the 1990 U.S. Census, the population of Hemphill is 1,182. Hemphill is a politically independent community since it has an independent elected mayor and judges. Hemphill also has its own local Police

Department./² Based upon these factors alone, Hemphill is a community for FCC allotment purposes. *See, e.g., Hannibal, Ohio, 6 FCC Rcd. 2144, 69 RR 2d 113 (MMB 1991).*

4. **AM Radio Station License Affirms "Community" Eligibility:** As indicated above, Standard Broadcast Station KAWS is licensed to Hemphill, Texas. Long ago the Commission declared that a community which already has an AM radio station licensed to it, clearly meets the Commission's definition of a "community" for other broadcast service assignment purposes. *See, Las Vegas and Paradise, Nevada (Television Channel Assignments), 57 RR 2d 1433 (MMB 1985).*

Public Interest Showing

5. Burr is a dedicated Hemphill broadcaster who seeks the institution of local FM radio service to better serve the interests and needs of his community. The proposed channel would serve as the first aural FM outlet for Hemphill, Texas.

Statement of Interest

6. Burr hereby expresses his intention to apply for Channel 280A at Hemphill, Texas, if that Channel is allotted by the Commission, and that further, if his Application is granted, to construct and operate that facility.

² All of the population, governmental and cultural information presented in this Petition was secured from the Sabine County Chamber of Commerce. The Chamber of Commerce may be reached at (409) 787-2732.

WHEREFORE, the above premises considered, Burr respectfully urges the Commission to GRANT the instant Petition, and to AMEND the Table of FM Allotments to specify Channel 280A at Hemphill, Texas.

Respectfully submitted,

PHILLIP BURR

By: 
Cary S. Tepper

His Attorney

Booth, Freret & Imlay, P.C.
1233 20th Street, N.W.
Suite 204
Washington, D.C. 20554

(202) 296-9100

May 21, 1996

Exhibit A

(Technical Statement of JF&A Communications Consultants)

ALLOCATION STATEMENT

This statement is prepared on behalf of Phillip Burr, owner of KAWS (AM) in Hemphill, Texas. This is a petition for Rulemaking which requests an amendment of the Table of FM Channel Allotments, Section 73.202(b) of the FCC Rules. The request is to add Channel 280A. This statement discusses the technical factors involved in the above change.

1. The reference coordinates for this Hemphill, Texas proposal are: Latitude 31°22'03" North, Longitude 93°50'10" West. This site is the same location that KAWS (AM) has proposed a transmitter move now pending before the FCC.

2. As can be seen from the attached Allocation exhibit, Class-A operation from this site will comply with all separation requirements as set forth in §73.207 of the FCC Rules.

3. The coordinates of the reference site are not located in the center of Hemphill due to allocation restrictions, but the reference site is located near the city limits. From this site the entire city of Hemphill will be served with the 70 dBu contour as required by §73.315(a) and (b) as shown in Contour exhibit.

4. The site proposed herein is 682 km to the nearest point of the US-Mexican Border and therefore beyond the 320 km coordination distance required with Mexico.

5. The population served will be 15,366 persons within the 60 dBu (1 mV/m) contour having an area of 2,505 square kilometers.

I, John R. Furr, am a Communications Consultant, and represent Phillip Burr. My qualifications are a matter of record with the Federal Communications Commission, and all statements made herein are true and correct to the best of my knowledge and belief.

March 13, 1996

A handwritten signature in dark ink, appearing to read "John R. Furr", is written over a horizontal line.

John R. Furr
8620 N. New Braunfels, Suite 305
San Antonio, TX 78217
210-828-4555

03-13-1996

John Furr & Associates Inc.

PAGE 1

FM Study for: KAWS
Location: HEMPHILL, TX
Call City, State
Status Proponent

FCC Database Date: 2/96
Channel Class: A
Chan Class Freq kW Latitude Dist. Required
File Number HAAT Longitude Azm. Clear (km)

31-22-03
93-50-10
Required
Clear (km)

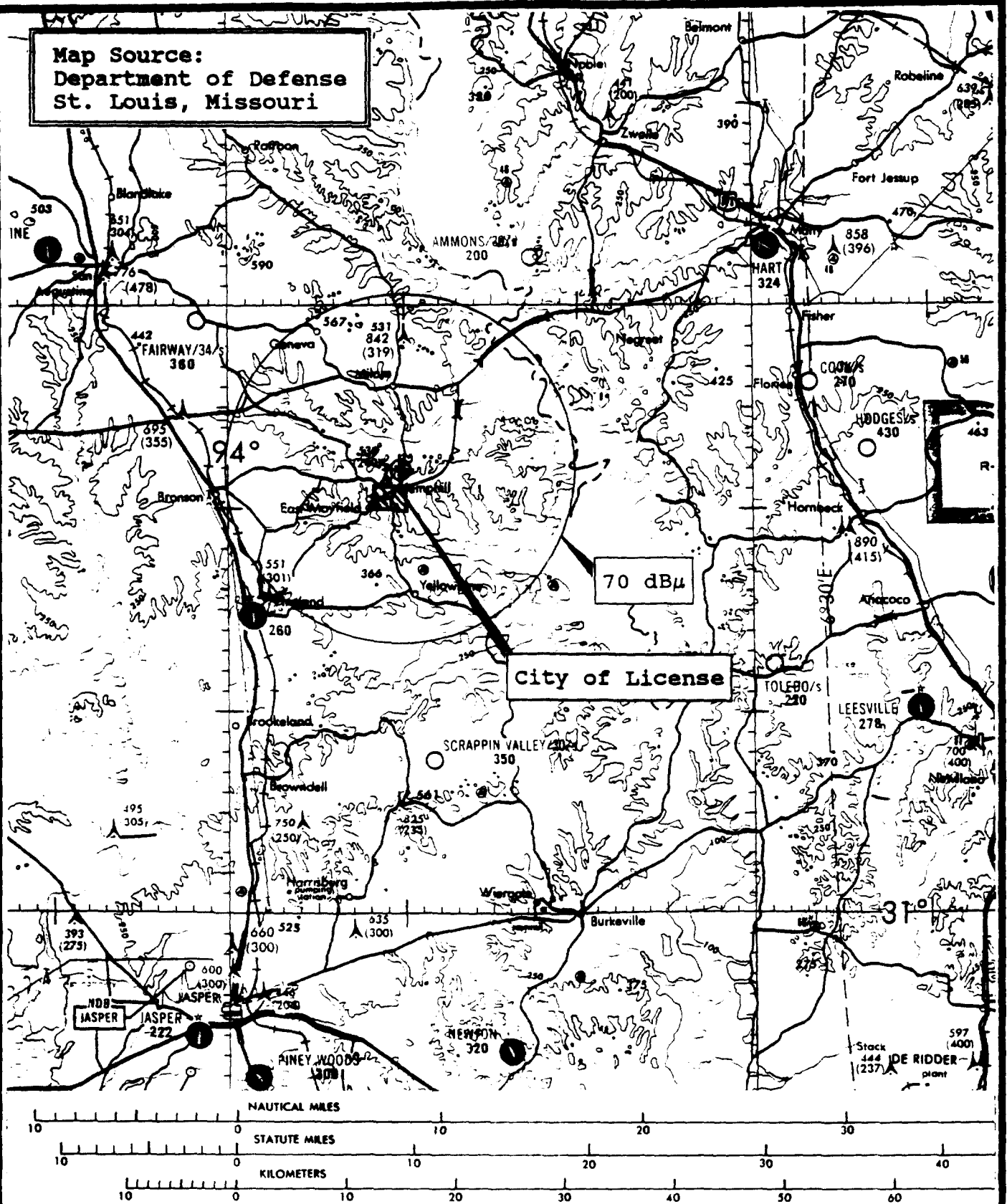
>>>>>>> Study For Channel 280 103.9 mHz <<<<<<<<

| | | | | | | | | |
|--------|-----------------------|--------------|-------|------|----------|--------|-------|-------|
| KBIU | LAKE CHARLES, LA | 279 C1 | 103.7 | 100. | 30-14-41 | 132.95 | 133 | |
| LIC | DIXIE BROADCASTERS, I | BLH-6955 | | 143 | 93-20-52 | 159.3 | -0.05 | CLOSE |
| KJCS | NACOGDOCHES, TX | 277 C1 | 103.3 | 100. | 31-34-51 | 82.8 | 75 | |
| LIC | MULTICOM BROADCASTING | BLH-841023DZ | 107 | | 94-40-16 | 286.8 | +7.8 | CLOSE |
| KZEYFM | MARSHALL, TX | 280 A | 103.9 | 1.85 | 32-33-50 | 141.3 | 115 | |
| LIC | BAYOU BROADCASTING, I | BLH-910124KD | 129 | | 94-21-04 | 340.0 | +26.3 | CLEAR |

JF&A
COMMUNICATIONS
CONSULTANTS

KAWS
HEMPHILL, TX
ALLOCATION STUDY

Map Source:
Department of Defense
St. Louis, Missouri



JF&A
COMMUNICATIONS
CONSULTANTS

KAWS
HEMPHILL, TX
COVERAGE MAP

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 21st day of May, 1996, I have served a copy of the foregoing "**Petition for Rule Making**" first-class, postage-prepaid, on the following:

*John A. Karousos
Chief, Allocations Branch
Federal Communications Commission
2020 M Street, N.W.; Room 561
Washington, D.C. 20554



Cary S. Tepper, Esq.

*/ indicates delivery by hand